

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

SURRECKLE ANDERSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:12-CV-511-HTW-LRA

**UNITED STATES OF AMERICA,
DEPARTMENT OF HEALTH & HUMAN
SERVICES, DR. ARENIA C. MALLORY
COMMUNITY HEALTH CENTER, INC. AND
JOHN & JANE DOES 1-15**

DEFENDANTS

ORDER OF DISMISSAL

On a prior date, this court gave leave to plaintiff's attorney to withdraw her representation in this lawsuit. The court ordered the plaintiff's attorney to serve notice of withdrawal on the plaintiff, and ordered the plaintiff to notify the court whether she would proceed *pro se* or would hire new counsel. The attorney has filed proof that she served the plaintiff with notice of this court's order allowing withdrawal, but the plaintiff has not responded.

On April 30, 2013, this court ordered the plaintiff to notify the court whether she had hired an attorney or would proceed *pro se* with this litigation, and to show cause for her failure to serve the defendants with process as required by Rule 4(m) of the Federal Rules of Civil Procedure.¹ The plaintiff was ordered to respond no later than May 14, 2013, or face dismissal of her lawsuit.

¹ Fed.R.Civ.P. 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

To date, the plaintiff has not responded to the court's order, and has filed no notice regarding whether she has hired an attorney or will proceed *pro se*. Further, this lawsuit has been pending for nearly ten months, since July 20, 2012, and the record shows that no defendant has been served. The plaintiff has failed to show cause as to why she has not served process on these defendants in compliance with Rule 4(m) of the Federal Rules of Civil Procedure.

This court, therefore, dismisses this lawsuit.

SO ORDERED AND ADJUDGED, this, the 20th of May, 2013.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

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